

# **EXHIBIT I**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TQ DELTA LLC, )  
)  
Plaintiff, )  
) C.A. No. 13-1835-RGA  
v. )  
)  
2WIRE, INC., )  
)  
Defendant. )

J. Caleb Boggs Courthouse  
844 North King Street  
Wilmington, Delaware

Thursday, May 23, 2019  
8:30 a.m.  
Trial Volume IV

BEFORE: THE HONORABLE RICHARD G. ANDREWS, U.S.D.C.J.

APPEARANCES:

FARNAN LLP  
BY: MICHAEL J. FARNAN, ESQUIRE

-and-

MCANDREWS HELD & MALLOY, LTD  
BY: PETER J. MCANDREWS, ESQUIRE  
BY: PAUL W. MCANDREWS, ESQUIRE  
BY: JAMES MURPHY, ESQUIRE  
BY: THOMAS WIMBISCUS, ESQUIRE

-and-

ROBINS KAPLAN LLP  
BY: DAVID A. PRANGE, ESQUIRE  
BY: BENJAMIN C. LINDEN, ESQUIRE

For the Plaintiff

1 APPEARANCES CONTINUED:

2 MORGAN LEWIS  
3 BY: JODY C. BARILLARE, ESQUIRE

4 -and-

5 GOODWIN PROCTER, LLP  
6 BY: BRETT SCHUMAN, ESQUIRE  
7 BY: RACHEL WALSH, ESQUIRE  
8 BY: DOUGLAS KLINE, ESQUIRE  
9 BY: ANDREW ONG, ESQUIRE  
10 BY: CINDY CHANG, ESQUIRE

11 For the Defendant

12 \*\*\* PROCEEDINGS \*\*\*

13

14 THE CLERK: All rise.

15 THE COURT: All right. Good morning, everyone.  
16 Please be seated. So I understand there's something I can  
17 do for you.

18 MR. PRANGE: Good morning, Your Honor. David  
19 Prange on behalf of TQ Delta. I have just a brief  
20 housekeeping issue potentially, and it relates to probably a  
21 belabored subject on the exhibits relating to the Broadcom  
22 source code and other Broadcom material.

23 THE COURT: Okay.

24 MR. PRANGE: I'd simply ask -- and I'd like to  
25 just -- so the record is clear, I'd like to make a motion to  
move those into the record.

THE COURT: Okay.

MR. PRANGE: And then also I have a proposal in

1 infringement, TQ Delta bore the burden. But our burden of  
2 proving infringement is just by a preponderance. On a  
3 scale, just a feather, just enough to move it in our favor.  
4 If you believe that it's slightly more likely than not that  
5 we have proven infringement, then you should find in favor  
6 of TQ Delta on the issue of infringement.

7 On the invalidity side and invalidity will apply  
8 both to invalidity in view of the prior art, whether the  
9 claims are obvious, it also applies to whether 2Wire has  
10 proven that the certificate of correction was issued  
11 improperly. 2Wire bears a very heavy burden there. It's a  
12 clear and convincing burden, so they would have to tip the  
13 scales much further down on their side to prove invalidity,  
14 and we don't believe they have done that.

15 What I'm going to do, I'm not going to take you  
16 through all the evidence, I'm not going to argue the entire  
17 case to you here. What I'm going to do is remind you some  
18 of the things that you heard and bring back some of what you  
19 have seen over the last few days and you can hopefully  
20 understand and put yourself back to where you heard  
21 Dr. Cooklev testify, Dr. Almeroth testify, the inventor,  
22 Mark Tzannes testify. If you could put yourself back there  
23 when you listen to those words, what you felt based on your  
24 common sense whether you were hearing the truth.

25 So Mark Tzannes, he's an innovator. He devoted

1 his life's work, thirty years to the DSL industry. He's got  
2 more than a hundred patents. And he contributed to the  
3 development of these very important standards.

4 2Wire on the other hand, you didn't hear that  
5 they were contributors. Instead, they're implementers. So  
6 they took the benefits that Mr. Tzannes provided by working  
7 very hard on the standards and they benefitted from that.  
8 They benefitted from that, but they don't want to pay for  
9 it, they don't want to acknowledge that they're using it.  
10 They don't want to do what's right. They should have taken  
11 a license when they were approached six years ago, but they  
12 didn't want to do that.

13 Something else. They're trying to diminish the  
14 value of the invention based on combinations, bits and  
15 pieces of the prior art. But we haven't heard yet anywhere,  
16 and I think it was acknowledged yesterday in the testimony,  
17 that never before is the complete invention of the claims,  
18 was it placed in a patent, was it placed in a proposal or  
19 placed in a device. By the way, there was some testimony  
20 during I think it was what's called recross of Dr. Cooklev  
21 where there was a patent put up and the attorney for 2Wire  
22 highlighted the word device. That doesn't make it a device.  
23 A device is something that's actually been built.

24 Of course patents can describe devices, they  
25 would describe what they hope would be built, but that's not